
State Water Resources Control Board

AMENDED STATUS CONFERENCE ORDER AND NOTICE OF STATUS CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
issues this amended status conference order and
notice of status conference
regarding the pending petition for change of

the City of Solvang

for water-right Permit 15878 (Application A022423),
which authorizes diversions of water from the Santa Ynez River (underflow)
in Santa Barbara County.

**The Status Conference will be held on
July 22, 2021, beginning at 10:30 am.**

BACKGROUND

On March 30, 2020, the Administrative Hearings Office (“AHO”) of the State Water Resources Control Board (“State Water Board” or “Board”) issued a Notice of Public Hearing and Pre-Hearing Conference Call regarding the petitions filed by the City of Solvang (“Solvang”) for change and extension of time for water-right Permit 15878 (Application A0022423). The background facts, applicable statutes, hearing issues and previously proposed pre-hearing and hearing schedules are described in the March 30 notice and in the subsequent pre-hearing conference and status conference orders.

On April 29, 2020, the AHO held a pre-hearing conference. On June 29, September 24, and November 6, 2020, and March 26, 2021, the AHO held status conferences. On March 26, 2021, the AHO issued an order and notice following the March 26, 2021 status conference.

AMENDED STATUS CONFERENCE ORDER

The AHO’s March 26, 2021 status conference order stated:

April 30, 2021: . . .

If, after considering the other parties’ comments on Solvang’s March 12, 2021 status conference statement, Solvang concludes it needs more time

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

to complete the Technical Memoranda and Reports, then, in lieu of posting these documents by this deadline, Solvang shall advise the AHO by letter or e-mail of this conclusion and submit a proposed revised schedule for completing and posting these documents.

On April 29, 2021, Solvang's attorney sent the AHO Presiding Hearing Officer a letter, which stated that Solvang's consultants need more time to complete the technical memoranda and reports, because the analyses in these documents will respond to the comments recently submitted by California Trout, Inc, the California Department of Fish and Wildlife, and the National Oceanic and Atmospheric Administration. This letter contains a proposed revised schedule for the deadlines stated in the AHO's March 26 notice and order.

The hearing officer appreciates Solvang's efforts to respond to these parties' comments. The hearing officer vacates the status conference previously scheduled for June 17 and replaces the deadlines in the March 26 notice and order with the following new schedule. The parties shall take the following actions by the following deadlines:

May 28, 2021: Solvang shall post its Complete Technical Studies (Hydrology-Hydraulic Technical Memo), Terrestrial Biological Resources Technical Report, and Cultural Resources Technical Memorandum) (collectively, the "Technical Memoranda and Reports"), which are listed on page 5 of Solvang's March 12, 2021 status conference statement, to the AHO-FTP2 site. Solvang does not need to serve copies of these documents on the other parties.

June 4, 2021 (or earlier): The AHO will post Solvang's Technical Memoranda and Reports to the AHO-FTP site and send an e-mail to all parties advising them of these postings, if Solvang has posted these documents to the AHO-FTP2 site.

June 18, 2021: Any interested party may file comments on Solvang's Technical Memoranda and Reports. These comments do not need to address in detail the technical merits of these documents. Rather, these comments should address the issues of the general adequacy of these documents and the appropriate schedule for the hearing in this matter.

July 2, 2021: Solvang shall file a status conference statement describing: (1) Solvang's responses to the other parties' comments on Solvang's Technical Memoranda and Reports; (2) the new California Environmental Quality Act (CEQA) document that Solvang will be preparing for its amended change petition, and (3) Solvang's proposed schedule for completing this CEQA document. Solvang's responses to comments described in clause (1) do not need to address in detail the technical merits of these comments. Rather, these responses should address the issues of the general adequacy of Solvang's Technical Memoranda and Reports in light of these comments and the appropriate schedule for the hearing in this matter.

July 12, 2021: Any interested party may file comments on Solvang's new status conference statement.

NEW STATUS CONFERENCE

The AHO will hold a status conference in this matter on July 22, 2021, beginning at 10:30 am. During the status conference, the hearing officer will discuss the documents and comments filed by Solvang and the other parties, Solvang's proposed CEQA document and schedule, and the schedule for future actions, including, potentially, the hearing schedule.

Any person interested in observing this status conference without participating may do so by accessing the Live Stream on the AHO YouTube channel with the following link: <https://www.youtube.com/watch?v=flfWYzyLvzo>. If this link does not work, then any interested person may use the Zoom meeting link listed in the following paragraph to observe this status conference.

Anyone participating in this hearing may do so with the following Zoom meeting link: <https://waterboards.zoom.us/j/99757570274?pwd=Y05keE11SFkyL29vaGJuNWNJSHNVZz09> with Meeting ID: 997 5757 0274 and Passcode: 207213 or by calling in at: +16699009128,,99757570274#,,,,*207213# US (San Jose).

The hearing officer requests that participants participate by both video and audio, if possible. If this is not possible, then the hearing officer will allow audio-only participation.

Except as explicitly stated in this order and notice, all provisions of the prior notices and orders described in the two paragraphs of this order and notice remain in effect.

Date: May 3, 2021

SIGNATURE ON FILE

Alan B. Lilly, Presiding Hearing Officer

Enclosure:

-Service List (all service by e-mail only)

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